

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

.....  
DERRICK ANDERSON,

Plaintiff,

- v -

9:08-CV-176

P. NAUGHTON, Deputy of security; B.  
SHARPSTENE, Correction Officer; D.S.  
HULL, Correctional Officer; and SGT. FREY,  
Sergeant, All of Oneida Correctional Facility,

Defendant.  
.....

APPEARANCES:

OF COUNSEL:

DERRICK ANDERSON  
Plaintiff Pro Se  
1014 Kenmore Avenue  
Buffalo, NY 14216

HON. ANDREW M. CUOMO  
Office of Attorney General  
State of New York  
Department of Law  
The Capitol  
Albany, New York 12224

ADRIENNE J. KERWIN, ESQ.  
Assistant Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Derrick Anderson, brought this civil rights action in February 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 16, 2010, the Honorable David R. Homer, United States Magistrate Judge, recommended that defendants' motion to dismiss the complaint for Anderson's failures to appear for his deposition or for the Court conference (docket No. 52) be granted and that the amended

complaint be dismissed as to all claims and all defendants. The plaintiff has filed objections to the Report-Recommendation.

Based upon a de novo review of the Report-Recommendation and the entire file, including those portions to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

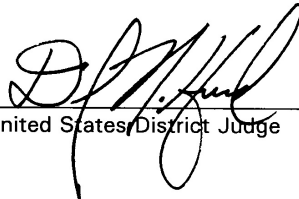
Accordingly, it is

ORDERED that

1. Defendants' motion to dismiss the complaint is GRANTED;
2. The amended complaint is DISMISSED as to all claims and all defendants; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: May 21, 2010  
Utica, New York.

  
United States District Judge